

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GEOFFREY ROBERT LAWSON SR.,
Plaintiff,

v.

BERNARD WARNER, KIM WYMAN,
JEFFREY A UTTECHT, ROY
GONZALES, BAILEY, RAND
SIMMONS, L WONDERS, CHE,
MILLER, FORD, GUNTER, AYERS,
STUENKEL, JOHN 1 DOE, JOHN DOE
2,
Defendants.

CASE NO. C14-5100 RBL-KLS

ORDER ON PLAINTIFF'S
PENDING MIOTIONS

This matter has been referred to United States Magistrate Judge Karen L. Strombom pursuant to 28 U.S.C. § 636(b)(1), Local Rules MJR 3 and 4, and Fed. R. Civ. P. 72. Defendants filed a Motion to Dismiss and they provided plaintiff with notices regarding that motion (Dkt. 36 and 37). Defendants motion is noted for August 22, 2014.

Rather than respond to defendants' motion, Mr. Lawson filed two motions with later noting dates. Dkt 39 and 42. The Court will rule on Mr. Lawson's motions now in order to move the action forward.

Mr. Lawson filed a motion asking the undersigned to stay defendants' Motion to Dismiss and asking for an extension of the deadline for filing a response. Dkt. 39. Mr. Lawson's motion

1 to stay is premised on his request for discovery. Dkt. 39, p. 3. The Court granted defendants'
 2 motion to stay discovery in this action because defendants raised the affirmative defense of
 3 qualified immunity. Dkt. 41. Accordingly, Mr. Lawson's motion to stay the pending Motion to
 4 Dismiss is **DENIED**.

5 Mr. Lawson also asks for sixty days of additional time to file a response to the pending
 6 Motion to Dismiss. Dkt. 39. Mr. Lawson's request is excessive. The time for responding to a
 7 motion to dismiss is normally 30 days. However, the undersigned will grant Mr. Lawson a short
 8 extension, until **September 26, 2014**, to file a response to defendants' Motion to Dismiss.
 9 Defendants' reply will be due on or before **October 3, 2014**.

10 Mr. Lawson has also filed a motion asking for leave to file a surreply regarding the
 11 motion to stay discovery. Dkt. 42. Defendants filed their reply August 19, 2014. Dkt. 38.
 12 Local Rule 7(g) addresses surreplies:

13 (g) Requests to Strike Material Contained in Motion or Briefs; Surreply

14 Requests to strike material contained in or attached to submissions of opposing
 15 parties shall not be presented in a separate motion to strike, but shall instead be
 16 included in the responsive brief, and will be considered with the underlying
 17 motion. The single exception to this rule is for requests to strike material
 18 contained in or attached to a reply brief, in which case the opposing party may file
 19 a surreply requesting that the court strike the material, subject to the following:

20 (1) That party must file a notice of intent to file a surreply as soon after
 21 receiving the reply brief as practicable.

22 (2) The surreply must be filed within five days of the filing of the reply
 23 brief, and shall be strictly limited to addressing the request to strike. Extraneous
 24 argument or a surreply filed for any other reason will not be considered.

(3) The surreply shall not exceed three pages.

(4) No response shall be filed unless requested by the court.

See, Local Civil Rule 7(g).

1 Mr. Lawson signed his motion to file a surreply on August 27, 2014, and he signed his
2 surreply on August 28, 2014. Dkt. 42 and 42-1. This is nine days after the reply was filed. Dkt
3 38. Accordingly the motion is not timely. Further, the undersigned has already ruled on the
4 motion and stayed discovery in this action and the motion to file a surreply is moot. Dkt. 41.
5 The motion to file a surreply is **DENIED**.

6 The Clerk is directed to re-note defendants' Motion to Dismiss (Dkt. 36), for **October 3,**
7 **2014**, The Clerk's office may remove plaintiff's pending motions (Dkt. 39 and 42) from the
8 Calendar and send a copy of this Order to Plaintiff.

9 Dated this 8th day of September, 2014.

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15 Karen L. Strombom
16 United States Magistrate Judge
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